

**IN THE  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

<b>EDUARDO OLIVERA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>No.</b>
	)	
<b>PALACE ENTERTAINMENT, INC., d/b/a</b>	)	
<b>NOAH’S ARK WATERPARK,</b>	)	<b>JURY DEMAND</b>
	)	
<b>Defendants.</b>	)	

**COMPLAINT**

Plaintiff, EDUARDO OLIVERA, through his attorneys, Kupets & DeCaro, P.C., brings this Complaint against Defendant, PALACE ENTERTAINMENT, INC., d/b/a NOAH’S ARK WATERPARK, and makes the following allegations and representations against the named Defendants:

**PARTIES**

1. Plaintiff is Eduardo Olivera who, at all relevant times to this matter, was and is a resident of the State of Illinois and resides in Zion, Illinois.
2. Defendant Palace Entertainment, Inc. d/b/a Noah’s Ark Waterpark (hereinafter referred to as “Palace”) is the owner and operator of a water park in the Wisconsin Dells known as Noah’s Ark Waterpark. Defendant is a Delaware Corporation with its principal office located in West Homestead, Pennsylvania.

**JURISDICTION AND VENUE**

3. The jurisdiction of the Court is based on diversity between the parties and brought

pursuant to 28 U.S.C. § 1332. Plaintiff's injuries far exceed \$75,000.00 in value.

4. Venue is appropriate in this judicial district under 28 U.S.C. section 1391(b) because the events of which the Complaint are based took place in Wisconsin Dells, Wisconsin, which is within this judicial district.

### **FACTUAL ALLEGATIONS**

5. Defendant Palace owns and operates several amusement parks throughout the United States. One of the parks that Defendant Palace owns and operates is a water park known as Noah's Ark Waterpark located at 1410 Wisconsin Dells Parkway, Wisconsin Dells, Wisconsin.

6. For an admission fee, Noah's Ark Waterpark was open to the general public and provided a variety of water slide rides to its patrons. Based on information and belief, it is alleged that Defendant Palace received an aggregate value during the year of 2021 in excess of \$2,000.00 for the use of the property from the water slide activities. One of the water rides available to the public, and the Plaintiff, on June 5, 2021, was called the "Point of No Return."

7. On June 5, 2021, Plaintiff Olivera paid an admission to enter the water park.

8. On June 5, 2021, Plaintiff Olivera used and went down the water slide known as the 'Point of No Return.'

9. The water at the bottom of the slide did not stop the Plaintiff's momentum and Plaintiff Olivera's body was allowed to impact the end of the water slide causing him severe and permanent injury to his leg.

10. Defendant Palace, as owner and operator of the water park and this slide, knew or should have known that the end of the slide required a certain amount of water to be collected

and maintained at the end of the slide to stop the slide patrons from crashing into the end of the slide and thereby injuring themselves.

11. At all relevant times, Defendant Palace had a duty to maintain its property and the slide at issue using reasonable care.

12. Notwithstanding said duties above, Defendant, through its agents, servants or employees, breached said duties when it:

- a. Negligently, carelessly and improperly allowed the Plaintiff to use the water slide when it was not safe to do so;
- b. Negligently, carelessly and improperly failed to properly monitor the water levels at the end of the slide to prevent injury to the Plaintiff;
- c. Negligently, carelessly and improperly failed to maintain the proper water level at the end of the water slide to stop the Plaintiff from crashing into the end of the slide wall; and,
- d. Negligently, carelessly and improperly failed to warn the Plaintiff of the risks associated with the slide in its condition at the time of Plaintiff's ride.

13. As a direct and proximate result of the aforementioned negligent acts or omissions of Defendant, Palace, Plaintiff, Edwardo Olivera, suffered serious injuries and will continue to suffer serious injuries of a personal and pecuniary nature, including, but not limited to, medical expenses, past and future pain, suffering, loss of a normal life, disfigurement and wage loss.

**WHEREFORE**, it is respectfully requested that judgment be entered in favor of Plaintiff, Edwardo Olivera, and against Defendant, Palace Entertainment, Inc, in an amount necessary to

fully and fairly compensate him for his losses in an amount in excess of \$600,000.00.

PLAINTIFF DEMANDS A TRIAL BY JURY.

s/ Dennis J. DeCaro

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